

REMARKS

Claims 1-23 are pending in this application. Claims 21-23 are withdrawn from consideration. Claims 1-20 have been rejected by the Examiner in Office Action mailed April 12, 2007.

35 U.S.C. 112

Claims 1-20 were rejected by the Examiner under 35 U.S.C.112 first paragraph as failing to comply with the enablement requirement. As the result of phone conversations on May 3 and May 8, 2007, the Examiner withdrew the rejection. The terms "coordinating" and "non-matched" are disclosed in the specification including examples and figures in such a way as to enable their use in the claims.

Claims 5, 14 and 18 are rejected by the Examiner under 35 U.S.C.112 second paragraph as being indefinite. The claim 5, 14 and 18 rejection is based on the term "non-traditional quantities." Applicant points out that the last sentence of the Summary of the Invention paragraph states:

"In addition, this invention packages and distributes the coordinated but non-matching items in non-traditional quantities (e.g. 3, 5, 7 socks)."

Table 1 is a list of example items traditionally sold in pairs. Figure 1 illustrates example grouping for 3 coordinated but non-matching socks. The second paragraph in the Detailed Description of Preferred Embodiment starting on page 4, discloses the category of items which are traditionally sold in pairs. The third sentence of this paragraph states:

"It is envisioned that items in the category will be sold in single packages of both traditional and non-traditional (e.g. 3, 5, 7) quantities."

Based on these disclosures Claims 5, 14 and 18 do particularly point out and distinctly claim this subject matter which applicant regards as the invention.

The Applicant does not understand the following paragraph included in the 35 U.S.C.112 second paragraph section of the Office Action:

"Claim 16 refers to a product that is a kitchen. Other claims refer to

more specific products. Prior art will be found to meet the claimed limitations where prior art discloses furniture, accessories, appliances, drapes, curtains, etc.”

Claim 16 refers to a product that is kitchen accessories, not a kitchen. In addition, Claim 16 is dependent on Claim 15 which claims the product is “chosen from a category of products traditionally matched within a group.” This Claim 16 is claiming kitchen accessories traditionally matched.

35 U.S.C. 102(b)

Claims 1-6, 8-12, 14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as anticipated by Feld. Feld discloses a system and method “to display the virtual three-dimensional wear article on the virtual three-dimensional model” (for example at least Abstract). While Feld’s method may allow a user to display on a 3-D model products created under Applicant’s invention, Feld does not disclose any information that would enable a user to select coordinated by not matching products.

CLAIM 1

Referring to the first feature in Claim 1, the Examiner refers to Feld paragraph 0054. This paragraph in Feld discloses being able to select the clothing components to be displayed on a three-dimensional model:

“For example, a shirt may be selected from one vendor station, a tie from another vendor station, a suit from yet another vendor station, socks and shoes from a further vendor station, a watch from another, and so on. The information from all of these items may be downloaded and individually or simultaneously displayed on the virtual model to determine the fit, appearance, color coordination, and so on, of the different items, or may be downloaded into the virtual closet for offline fitting.”

The only coordination stated in Feld 0054 is “color coordination.” There is no disclosure in Feld that in any way relates to “coordinated but not matched” as claimed in the first feature of Claim 1. Nor does Feld disclose selecting any of the clothing products identified in 0054 with distinguishable components for coordinating, but not matching.

Referring to the second feature in Claim 1, the Examiner states: “Selecting a feature on the product for coordinating but not matching [?] see paragraph 0045.” Applicant does not understand

what the Examiner meant by [?]. As stated above by the Applicant, the specification including the example and figure defines and fully enables method for creating coordinates and matching products.

Paragraph 0045 discloses steps involved in creating a “three-dimensional likeness of the person’s face and head...by prompting the user to select standard facial and head features from a menu of features, such as different types of noses, mouths, cheeks, chins, foreheads, ears, eyes, hairstyles, hair color, skin color and so on.” Claim 1 requires selection of a product (not features on a 3-D model) and then selecting a feature on that product. Nothing in 0045 nor 0054 disclose anything related to coordinating but not matching features on a product.

Referring to the third feature of claim 1, the Examiner states: “Selecting a system to be used to coordinate the non-matching [???]. see for example, Figures 5, 6 and 10 for series of steps in the system.” Applicant does not understand the [???] but as stated above by the Applicant, the specification including the example and figure defines and fully enables method for creating coordinates and matching products.

Furthermore, Applicant’s reading of Feld is that a major function of Feld is to allow a user to in fact ensure different components are coordinated and matched. There is no suggestion or mention of non-matching anywhere in Feld.

The description of the cited Figures are as follows:

[0023] **Fig. 5** is a flow chart illustrating an exemplary method for electronic shopping of wear articles;

[0024] **Fig. 6** is a flow chart illustrating an exemplary method for superimposing a virtual three-dimensional wear article on a virtual three-dimensional model;

[0028] **Fig. 10** is a block diagram of an exemplary method for designing wear articles according to the invention.

Nothing in any of these figures relates to coordinating but not matching as claimed in Claim 1.

Examiner provides individual rejections for Claims 2-20. All these claims depend directly or indirectly on Claim 1, which as stated above by Applicant is not disclosed by Feld. Thus Claims 2-20 are respectfully believed to be allowable. However, Applicant will address each of the Examiner’s individual claim rejections.

CLAIM 2

Examiner states: "As per claim 2, Feld discloses that system for coordinated non-matching considers age (paragraph 0035) sex (paragraph 0032) and culture, of the intended users for the product."

Neither paragraph 0032 nor 0035 disclose any information related to coordinating but not matching products. Feld does consider age, sex and culture in creating the model and appropriate product for that model. But there is no suggestion or mention of coordinated but not matching.

CLAIM 3

Claim 3 states "A method according to Claim 2 in which the **system for coordinated non-matching** considers the characteristics of color, patterns, shapes and sizes for coordination." (emphasis added). Although Feld states the words color, patterns, shapes and sizes [0002, 0013 and 0039], Feld does not suggest or mention coordination nor coordinated non-matching as claimed by Applicant.

CLAIMS 4, 6, 8, 9, 10, 12 and 19

Feld in paragraph 0032 does mention all the products claimed by Applicant in Claims 4, 6, 8, 9, 10, 12 and 19. But all of these claims by Applicant require creating and applying a system for coordinating but non-matching selected features on the selected products. Feld does not disclose selecting features on selected products nor creating/applying a system to coordinate but not match those features/products.

CLAIMS 5, 14 and 18

Examiner states that Feld in paragraph 0002 "discloses that a procedure is packaged for sale in non-traditional quantities." Applicant does not find any disclosure in 0002 (nor anywhere else in Feld) related to packaging products in non-traditional quantities.

CLAIM 11

Examiner states: "As per claim 11, Feld discloses that product selected is chosen from a category of products with multiple pieces. See for example, at least fig. 11 and related text."

As stated above, Feld may disclose a method for displaying products created under the Applicant's invention, but it does not disclose any method/system to create the coordinated by non-matching products.

CLAIM 15

Claim 15 relates to selecting the product "from a category of products traditionally matched within a group." The specification (including Table 5) discloses products in this category. Feld in Figure 11 and related text does not disclose selecting a product from a group of products traditionally matched. Figure 11 is a pattern for one product – a dress. It does display the multiple pieces created by the pattern but does not disclose it as being part of a group.

CLAIM 16

The basis for Claim 16 rejection is similar to that for Claims 4, 6, 8, 9, 10, 12 and 19 rejected under paragraph 0032. Thus applicant presents the same argument as for those previously traversed rejections.

CLAIM 20

Feld Figure 11 and related text does not disclose selecting a product from a category of products traditionally sold in pairs. As stated above in traversing Claim 15's rejection, Figure 11 is a pattern for one product – dress.

35 U.S.C.103 (a)

CLAIM 7

As stated above, Feld does not disclose any method/system related to selecting a product, selecting a feature on this product, creating a system to be used to coordinate non-matching and applying such system. Accordingly, Applicant presents the same argument concerning 0032 in Feld as presented to traverse rejection of Claims 4, 6, 8, 9, 10, 12 and 19. Claim 7 is dependent from Claim 5 which claims packaging for sale in non-traditional quantities. Feld does not disclose or suggest packaging in non-traditional quantities. Thus extending Feld to include earrings does not disclose what is claimed in Claim 7.

CLAIM 13

Examiner rejects Claim 13 as unpatentable over Feld in view of Berger (Col. 1, lines 12-33). Berger is cited to disclose a luggage set. As with Feld, Berger does not disclose any method/system related to selecting a product, selecting a feature on this product, creating a system to be used to coordinate non-matching and applying such system. In addition, Berger does not disclose selecting a product from a category of products with multiple pieces as claimed in Claim 11 on which Claim 13 is dependent.

CLAIM 17

Examiner rejects claim 17 as unpatentable over Feld in view of Marx. Marx is cited to disclose product clothing for a team. As with Feld (and Berger), Marx does not disclose any method/system related to selecting a product, selecting a feature on this product, creating a system to be used to coordinate non-matching and applying such system. In addition, the cited paragraph 0008 in Marx specifically focuses on "matched theme cloth containers and clothing." This is directly contrary to the Applicant's invention.

Applicant believes that application is now in condition for allowance and timely allowance is respectfully requested.

Respectfully submitted
for Applicant,

By: *DJ Ranft*
Donald J. Ranft
Reg. No. 53,501